

REMARKS

I. Status Of The Claims

Claims 1-34 are pending in this application, of which claims 1, 2, 7-12, and 29-34 are withdrawn from consideration.

The title of the invention is objected to.

Claims 3-6 are objected to.

Claims 3-6, 13, 15-17, 19-21, 23-25, 27, and 28 are rejected under 35 U.S.C. 103(a) in view of Matthews (U.S. Patent No. 6,025,837) and Tomita (U.S. Patent No. 6,732,372).

Claims 14, 18, 22, and 26 are rejected under 35 U.S.C. 103(a) in view of Matthews, Tomita, and Kelts (U.S. Patent Application Publication No. 2002/0112237).

Claims 3-6 are independent.

II. Objection to the Title

The Office Action objects to the title of the invention, stating:

“[t]he title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed”
(see Office Action, p. 2).

With this response, Applicants amend the title. Applicants respectfully submit that the title, at least as amended herewith, is in compliance with 37 C.F.R. 1.72, and respectfully request that the objection be withdrawn.

III. Claim Objections

The Office Action objects to claims 3-6, stating:

“[c]laim 3 recited the limitation ‘the channel’s broadcasting’ in page 29, lines 3-4, and 8. There is lack of antecedent basis for this limitation in this claim ... Likewise, claims 4-6 also recited the limitation ‘the channel’s broadcasting’” (see Office Action, p. 2).

Applicants respectfully submit that it is clear that, in each of claims 3-6, “a television channel’s broadcasting” provides antecedent basis for “the channel’s broadcasting”.

In view of at least the foregoing, Applicants respectfully request that the objection be withdrawn.

IV. Restriction Requirement

A telephone call was received from the Examiner indicating that the case was subject to a restriction requirement. The Examiner indicated that restriction to one of:

“Group I: claims 1, 2, and 7-12 (class 709)”;
“Group II: claims 3-6, and 13-28 (class 725/subclass 51)”;
“Group III: claims 29 and 30 (class 725/subclass 53)”;
“Group IV: claims 31-34 (class 725/subclass 39)”

was required.

Subsequently, the undersigned telephoned the Examiner and, during the call, indicated provisional election with traverse of “Group II: claims 3-6, and 13-28 (class 725/subclass 51)”.

Applicants hereby affirm this provisional election, but reiterate that the election was made with traverse.

Applicants observe that, as stated in MPEP §803, for a restriction requirement to be proper “there are two criteria for restriction between patentably distinct inventions” as follows:

“(1) The inventions must be independent or distinct as

claimed; and

(2) There must be a serious burden on the examiner if restriction is not required . . .”
(emphasis added).

Applicants respectfully submit that all groups of restricted claims are properly presented in the same application, that undue diverse searching would not be required, and that all claims should be examined together. Accordingly, examination of the claims of Groups I, III, and IV, in addition to the claims of Group II, would place no additional “serious” burden on the Examiner, as examination of the claims of Groups I, III, and IV would not require undue diverse searching beyond that which would be necessary for examination of the claims of Group II. For at least these reasons, Applicants respectfully submit that the restriction requirement should be withdrawn and that all claims should be examined on the merits.

V. Claim Rejections

The Office Action rejects independent claims 3-6 under 35 U.S.C. 103(a) in view of Matthews and Tomita.

However, Applicants respectfully submit that Matthews and Tomita, taken individually or in combination, fail, for example, to disclose, teach, or suggest:

“... one or more icons coordinated with the channel’s broadcasting, said icons acting as hyperlinks to data relating to a predetermined number of programs recently broadcast on the television channel ...”

as set forth in each of claims 3-6 (emphasis added).

The Office Action apparently contends that such, except for “icons acting as hyperlinks” which the Office Action apparently contends to be taught by Tomita, is taught among column 9 line 64 – column 10 line 13 of Matthews via discussion that “[o]ther hyperlinks

in the description window 128 include ‘Last Week’ ...”.

However, Applicants respectfully observe that Matthews fails, for instance, to disclose, teach, or suggest that “hyperlin[k]” “Last Week” is coordinated with what a television channel is actively broadcasting, and instead indicates it to be “correlate[ed]” with “scheduled viewing times”:

“[t]he EPG 104 supports a displayable user interface (UI) which visually correlates programs titles to scheduled viewing times and tuning information, such as a channel, as will be described below with reference to FIG. 5”
(see Matthews col. 8 ln. 58-62; emphasis added).

In view of at least the foregoing, Applicants respectfully submit that claims 3-6, as well as those claims that depend therefrom, are in condition for allowance.

VI. Dependent Claims

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

VII. Conclusion

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

VIII. Authorization

The Commissioner is hereby authorized to charge any fees which may be required for this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4042. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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